

USSN 10/782,027, Filed 2/19/2004
Reply Dated May 22, 2006

REMARKS

Favorable reconsideration and allowance of the claims of the present application are respectfully requested.

Claims 1, 3-4, 6-13, 15, 21-25, 34-49, 59, 64-66 are allowable over the prior art of record. Claims 51 and 58 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the claim and any intervening.

Claim 58 stands objected, under 35 U.S.C. §1.75(c), as allegedly being in improper dependent form for allegedly failing to further limit the subject matter of a previous claim. Claim 60 stands objected to because step (ii) of Claim 1 does not recite hot or warm rolling. Claim 61 stands objected to because step (iii) of claim 1 does not mention solution heat treatment.

Claims 50, 53-56 stand rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over by U.S. Patent No. 6,264,765 to Bryant et al. ("Bryant et al."). Claim 52 stands rejected, under 35 U.S.C. §103(a), as allegedly obvious over Bryant et al. in view of U.S. Patent No. 5,106,429 to McAuliffe et al. ("McAuliffe et al."). Claims 50-52-56 stand rejected, under 35 U.S.C. §103(a), as allegedly being unpatentable over US Patent Application No. 20040007295 to Lorentzen et al. ("Lorentzen et al.") in view of Bryant et al. Claims 57 and 63 stand rejected, under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,959,476 to Li et al. ("Li et al.").

In light of the Examiner's comments and for the purposes of advancing prosecution applicants have amended Claim 50 to include the limitations of Claim 51. Amended Claim 50 now recites a method of manufacturing an O temper aluminum

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alloy sheet without cold rolling in an in-line sequence comprising the steps of providing a thin cast aluminum alloy strip having a first thickness; quenching the strip with a quenching device; hot or warm rolling the strip in line to a final thickness, the rolling step retaining alloying elements substantially in solution; annealing the strip, and quenching the strip to a temperature of about 110 to 720°F to form an O temper. In light of the amendment to Claim 50 to include the subject matter of Claim 51, Claim 51 has been cancelled. Applicants have also amended Claims 53 and 54 to be consistent with the amendment to Claim 51.

Applicants have also amended Claim 57 to include the limitations of Claim 58. Amended Claim 57 now recites a method of manufacturing T temper aluminum alloy sheet without cold rolling in an in-line sequence comprising the steps of providing a thin cast aluminum alloy strip having a first thickness; quenching the strip with a quenching device; hot or warm rolling the strip in line to a final thickness, the rolling retaining alloying elements substantially in solution; solution heat treating the aluminum alloy strip, and quenching the strip to a temperature of about 110-350°F to form a T temper. In light of the amendment to Claim 57 to include the subject matter of Claim 58, Claim 58 has been cancelled. Applicants have also amended Claims 59-61 to be consistent with the amendment to Claim 57.

Turning to the rejections under §103(a), none of the prior art teaches or suggests a method of forming an aluminum alloy sheet having O or T temper including the step of quenching the strip with a quenching device prior to hot or warm rolling, as recited in amended Claims 50 and 57. Claims 50 and 57 have been amended to include the

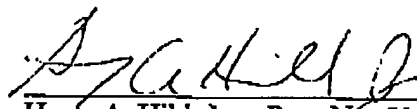
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subject matter of dependent Claims 51 and 58, which the Examiner has deemed as allowable subject. "It is axiomatic that anticipation under §102 requires the prior art reference to disclose every element to which it is applied." *In re King*, 801 F.2d 1324, 1326, 231 USPQ 36, 138 (Fed Cir, 1986). "To establish a prima facie case of obviousness of a claimed invention all the claimed limitations must be taught or suggested by the prior art". *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 44, 496 (CCPA 1970). Therefore, the since the applied prior art references fail to disclose each and every limitation of Applicants' claimed method, Applicants submit that the rejections have been obviated and respectfully request withdrawal thereof.

It is respectfully submitted that the present application is in condition for allowance. If the Examiner would like to suggest changes of a formal nature to place this application in better condition for allowance, a telephone call to Applicants' undersigned attorney would be appreciated.

Respectfully submitted,

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